

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

HARVEY JOE TRANTHAM,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 02-B-2777-E
)	
WARDEN ARNOLD HOLT; ATTORNEY)	
GENERAL FOR THE STATE OF ALABAMA,)	
)	
Respondents.)	

MEMORANDUM OPINION

The magistrate judge filed findings and recommendation on February 14, 2006 recommending that the petition for writ of habeas corpus be denied. On February 28, 2006 petitioner filed an objection to the magistrate judge's findings and recommendation. In his objection petitioner states that the magistrate judge failed to address certain claims of ineffective assistance of counsel and trial court error. (See doc. #16, p.8). With the possible exception of claim G in the objections these issues were not raised in the petition for writ of certiorari during either the direct appeal process or the Rule 32 process. These claims, therefore, are procedurally defaulted pursuant to *O'Sullivan v. Boerckel*, 526 U.S. 838 (1999). Claim G is procedurally barred because while raised on petition for writ of certiorari from the denial of the Rule 32 petition, it was not first raised in the Rule 32 petition or appeal from the denial thereof. (See Magistrate Judge's Findings and Recommendation, pp.7-8). All of petitioner's objections are due to be **OVERRULED**.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation and the objections filed by the petitioner, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby **ADOPTED** and his

recommendation is **ACCEPTED**. Accordingly, the petition for writ of habeas corpus is due to be **DENIED**. A Final Judgment will be entered.

As to the foregoing it is so **ORDERED** this the 7th day of March, 2006.

A handwritten signature in black ink, reading "Sharon Lovelace Blackburn". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

SHARON LOVELACE BLACKBURN
UNITED STATES DISTRICT JUDGE